

TINA WOLFSON (SBN 174806)  
twolfson@ahdootwolfson.com  
THEODORE MAYA (SBN 223242)  
tmaya@ahdootwolfson.com  
CHRISTOPHER STINER (SBN 276033)  
cstiner@ahdootwolfson.com  
RACHEL JOHNSON (SBN 331351)  
rjohnson@ahdootwolfson.com  
**AHDOOT & WOLFSON, PC**  
2600 W. Olive Avenue, Suite 500  
Burbank, California 91505-4521  
Tel: (310) 474-9111  
Fax: (310) 474-8585

MARK C. MOLUMPY (SBN 168009)  
mmolumpy@cpmlegal.com  
TYSON REDENBARGER (SBN 294424)  
tredenbarger@cpmlegal.com  
NOORJAHAN RAHMAN (SBN 330572)  
nrahman@cpmlegal.com  
JULIA PENG (SBN 318396)  
jpeng@cpmlegal.com  
**COTCHETT, PITRE & MCCARTHY LLP**  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: 650.697.6000  
Facsimile: 650.697.0577

*Interim Co-Lead Class Counsel*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE ZOOM VIDEO  
COMMUNICATIONS, INC. PRIVACY  
LITIGATION,

This Document Relates To: All Actions

**COOLEY LLP**  
MICHAEL G. RHODES (SBN 116127)  
(rhodesmg@cooley.com)  
TRAVIS LEBLANC (SBN 251097)  
(tleblanc@cooley.com)  
KATHLEEN R. HARTNETT (SBN 314267)  
(khartnett@cooley.com)  
BENJAMIN H. KLEINE (SBN 257225)  
(bkleine@cooley.com)  
101 California Street, 5th Floor  
San Francisco, California 94111-5800  
Telephone: +1 415 693 2000  
Facsimile: +1 415 693 2222

*Attorneys for Defendant Zoom Video  
Communications, Inc.*

Master File No. 5:20-cv-02155-LHK

**THIRD SUPPLEMENTAL JOINT CASE  
MANAGEMENT CONFERENCE STATEMENT**

CMC Date: May 19, 2021  
CMC Time: 2:00 pm  
Judge: Hon. Lucy H. Koh  
Courtroom: 8

**JOINT CASE MANAGEMENT STATEMENT**

In accordance with the Court's order of February 23, 2021 (ECF No. 163), Plaintiffs and Defendant Zoom Video Communications, Inc. ("Zoom" or "Defendant"), by and through their respective counsel of record, hereby jointly submit this Joint Case Management Statement reporting on events since the last statement was filed on February 17, 2021 (ECF No. 156).

**1. PROGRESS SINCE LAST CASE MANAGEMENT STATEMENT**

The parties report that the key changes since the last case management statement are: (1) the parties provided each other with additional discovery, as described below; (2) Plaintiffs filed their Second Amended Complaint; (3) the parties continued their settlement discussions, including an additional full-day mediation session before the Hon. Jay C. Gandhi (Ret.) on April 21, 2021 and several follow-up sessions overseen by Judge Gandhi, and reached agreement on several material terms of a proposed resolution; and (4) the parties expect to hold an additional session with Judge Gandhi next week as they seek to complete settlement negotiations, finalize the details of a settlement, formally memorialize the settlement, and present the settlement to the Court for approval as expeditiously as possible (ECF Nos. 176 & 178).

**2. AMENDMENT OF PLEADINGS**

The Plaintiffs filed their First Amended Complaint ("FAC") on October 28, 2020. On December 2, 2020, Zoom filed a motion to dismiss the FAC in its entirety (ECF No. 134). On March 11, 2021, the Court granted in part and denied in part the motion to dismiss, and gave Plaintiffs leave to file a Second Amended Complaint (ECF No. 168). On May 12, 2021, Plaintiffs filed their Second Amended Complaint ("SAC").

**3. MOTIONS**

There are no motions currently pending. Zoom expects to file a Rule 12 motion should Plaintiffs file a SAC. Additionally, briefing on Plaintiffs' class certification motion is currently scheduled to begin on June 25, 2021 (ECF No. 162). As discussed above, the parties have made substantial progress toward settlement and thus anticipate filing a motion for preliminary approval of

the settlement in short order, at which point the parties would request that all case deadlines be vacated.

#### **4. EVIDENCE PRESERVATION**

The parties stipulated to a protocol governing ESI discovery in this matter, which the Court entered on January 20, 2021. (ECF No. 145.)

#### **5. DISCLOSURES**

The parties timely served their initial disclosures on August 14, 2020.

#### **6. DISCOVERY**

The Court has entered a Stipulated Order Re Federal Rule of Evidence 502(D) and Privileged Materials Order (ECF No. 140), and a Stipulated Protective Order (ECF No. 139).

Plaintiffs propounded written discovery on Zoom on August 28, 2020 and December 17, 2020 in the form of Requests for Production of Documents and Interrogatories, respectively. Zoom timely served its responses and objections to Plaintiffs' document requests and interrogatories, and to date, Zoom has made seven (7) rolling productions.

Zoom propounded written discovery on Plaintiffs on December 2, 2020 in the form of Requests for Production of Documents, Interrogatories, and Requests for Admission (collectively "Requests"). Plaintiffs timely served their written responses to Zoom's Requests on January 19, 2021 and their production is ongoing.

On April 5, 2021, the Court denied Zoom's request to adjust case deadlines and to stay discovery (ECF No. 174). On April 7, 2021, the Court ordered Zoom to immediately resume its rolling document production without limitation (ECF No. 175).

The parties continue to engage in discovery.

#### **6. SETTLEMENT AND ADR**

To date, the parties have had two full-day mediation sessions before the Hon. Jay C. Gandhi (Ret.) and numerous follow-up telephonic negotiation sessions conducted by Judge Gandhi. An additional mediation session is scheduled for next week as the parties seek to resolve the next seminal issues.

1 **7. SCHEDULING**

2 In light of the parties' substantial progress towards finalizing a settlement agreement to be  
3 presented to the Court with a motion for preliminary approval, and to accordingly avoid unnecessary  
4 litigation, the parties jointly submitted a stipulation on May 11, 2021 (ECF No. 178), requesting that  
5 that the case schedule be modified as follows:

- 6 1. Plaintiffs' SAC deadline is extended to June 9, 2021;  
7 2. The Further Case Management Conference scheduled for May 19, 2021 is taken off  
8 calendar pending further Order of the Court;  
9 3. All other deadlines shall remain the same.

10 **8. OTHER**

11 The parties have no other issues to raise at this time.  
12  
13

14 Dated: May 12, 2021

**AHDOOT & WOLFSON, PC**

15 By: /s/ Tina Wolfson  
16 Tina Wolfson

17 Dated: May 12, 2021

**COTCHETT, PITRE & MCCARTHY LLP**

18 By: /s/ Mark C. Molumphy  
19 Mark C. Molumphy

20 Interim Co-Lead Class Counsel

21 Dated: May 12, 2021

**COOLEY LLP**

22 MICHAEL G. RHODES (116127)  
23 TRAVIS LEBLANC (251097)  
24 KATHLEEN R. HARTNETT (314267)  
25 BENJAMIN H. KLEINE (257225)

26 By: /s/ Michael G. Rhodes  
27 Michael G. Rhodes (116127)

28 Attorneys for Defendant  
ZOOM VIDEO COMMUNICATIONS, INC.

**FILER ATTESTATION**

I, Michael G. Rhodes, attest that concurrence in the filing of this document has been obtained from the other signatories. Executed on May 12, 2021, in San Francisco, California.

/s/ Michael G. Rhodes

Michael G. Rhodes

250301580